

**DRAFT Action/Summary Minutes
Regular City Council Meeting
City Council Chambers
Tuesday, May 25, 2010, 4:30 p.m.**

1. **Call to Order/Pledge of Allegiance:** Mayor Adams called the meeting to order at 4:34 p.m.

➤ **Reading of City's Vision Statement:** Councilor Surber read the Vision Statement

2. **Roll Call:** Mayor Rob Adams, Vice Mayor Cliff Hamilton, Councilor Mark DiNunzio, Councilor Nancy Scagnelli, and Councilor Dan Surber. Councilor Pud Colquitt and Councilor Jerry Frey were absent.

Staff present: City Manager Tim Ernster, Assistant City Manager Alison Zelms, Community Services Director Andi Welsh, City Attorney Mike Goimarac, Associate Engineer Andy Dickey, Commander Ron Wheeler, Director of Community Development John O'Brien, Finance Manager Barbara Ashley, Financial Services Supervisor Abigail Hernandez, Development Services Supervisor Jim Windham, and Deputy City Clerk Alison Carney.

3. **Recognition of outgoing Council members including any recognition from the public.**

John DiBattista, Sedona, thanked the outgoing councilors for the years of service they've given our community and will continue to do. He wished the best of luck to the new Council.

Becky O'Banion, Sedona, stated she's representing the Sedona Main Street Program. She welcomed the new Councilors and thanked the outgoing Councilors for the time they've put in to leading our city. It's been a wonderful partnership with the city and the Main Street Program. We appreciate that you had the bigger vision. Those strong businesses are about building a stronger tax base for Sedona and keeping other tax means out of the picture. On behalf of the Main Street Program we thank you. Good luck.

Carol Rizzi, Sedona, stated serving public office is to be congratulated. It's a tough job. For the outgoing Council, in her opinion, she didn't agree with a lot of things they did. What you did just recently, with regard to salaries and the SB1070 issue was despicable. For whatever people think you did well for this town that was a horrible way to end. She wishes the new Council lots of luck.

Mayor Adams asked the new Council to come up to be sworn in.

4. **Swearing in of new Council members by Judge Rodger Overholser.**

Judge Rodger Overholser read the Oath to the new council members and then to the Mayor.

Chris Lane, Sedona, congratulated Council. He stated he teaches poetry at Red Rock High School. He thought it would be fitting to have a great friend and a wonderful poet and one of his students read to you one of her poems in celebration of her birthday and of this evening.

Kaia Placa read her poem.

5. **Roll Call:** Mayor Rob Adams, Vice Mayor Cliff Hamilton, Councilor Mark DiNunzio, Councilor Barbara Litrell, Councilor Dan McIlroy, Councilor Dennis Rayner, Councilor Mike Ward

Councilor Rayner read the Vision Statement.

Mayor Adams called a recess at 4:50 p.m. He reconvened at 5:05 p.m.

6. **Summary of Current Events by Mayor/Council/City Manager.**

Vice Mayor Hamilton stated last weekend, in preparation of fire season our fire district sponsored an event at the Uptown fire station for three days for people to drop off brush. We all need to be aware of that as we move into fire season.

Mayor Adams stated we started the Mayor's lunches again. You have to look close in the paper. They're on the third Tuesday of every month. We won't have one in July. It's a great time to dialogue one on one. On May 20 the Sedona Main Street meeting. On May 20 we had the City Manager's review, he had a glowing report. On May 21, at Good Morning Sedona, we introduced the new councilors. On May 21, a lot of you were here for the ADOT board meeting. There was an awesome flower show at the library. On May 22, we designated two more houses in Sedona with a historic plaque. On May 24, Sedona Times had a fundraiser at Los Abrigados.

Tim Ernster stated Andi Welsh will give Council an update on Arizona State Parks.

Andi Welsh stated last week the board approved an IGA for the county to enter with them to keep the park open until October 30. June 8, we'll have an IGA to assist with keeping the park open as well as an agreement to help them operate the gift shop. In March or April, in Bashas' they took donations. In one month they raised \$20,000, with the Sedona Bashas' raising the most. The money is used throughout the State Parks system.

Mayor Adams stated the city allocated \$15,000 to help keep the park open, for at least another year.

Mayor Adams thanked Jawn McKinley, Katie Hamilton, Karen Strauss and Linda Nicholas for the special occasion tonight.

7. Reports and discussion on Council assignments.

Vice Mayor Hamilton stated Parks & Recreation Commission met last night. Dwayne DePaepe was elected new chair of the commission. The Verde River Partnership are pursuing turning themselves into their own non-profit so they can utilize money as a legal entity and they're pursuing funding to assess impacts on the Verde River and Basin on pumping. Hopefully with the start of those studies and receiving the grant some of the information will start to move forward.

Mayor Adams stated on May 21, we had a meeting of the Greater Arizona Mayor's Association. There's about 13 cities represented by their mayors. We approved the bylaws so it's become official. It gives us a loud voice with our State Legislature. Rural Arizona gets pushed around by Maricopa County. This gives us a louder voice. He's on the Executive Board of Arizona League of Cities and Towns, the main lobbying group for cities. We're taking a step up on the state level.

8. Public Forum: Limit of three minutes per presentation.

This is a time for the public to comment. Council Members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

David Tracy, Sedona, stated wastewater rates are increasing and they are increasing because we continue to make improvements to increase capacity at our plant. If your clothes are starting to get tight, do you buy a longer belt and a bigger set of pants? If it costs \$1 to increase the capacity at our plant, and it only costs \$0.50 to reduce the demand of the flow going to the plant, would that be a better investment? When we hire a consultant and he makes his money by designing plants do you think he'd look at ways to reduce the flow going to the plant? If the only tool in his toolbox is a hammer doesn't ever problem look like a nail? Do we need to start thinking outside the box? Is it possible to come up with different answers to the same problems?

Bettye Monzo, Sedona, stated we all have our opinions on SB1070. Don't get involved in any debates. We're a tourism city. The polls gave a 74% for and 20 something against it. She doesn't want people looking at the city and coming up with controversy.

Barbara Bretbart, Sedona, stated everybody she's spoken with believes that a reduction in Council salaries is unjust and inequitable. She thinks many would agree with her now. The collection box has \$7 in it. She would encourage you to reverse the resolution as soon as you can and make things right again. Thank you and good luck to you.

Jawn McKinley, Sedona, stated she has one request for the new Council. She sang a song for Council.

Patrick Hickey, Sedona, congratulated the new Council. He's delighted to see them sitting there. He appreciates Paul Chevalier for his instrumental contribution for

organizing you guys to make it here. Contrary to what's going on in the economy. The Council should be paid more because it might empower people of lesser means to be councilors. Not everyone has an independent income. He's been attending these meetings since 1989.

Doug Blackwell, Sedona, stated Sedona is a happy place, this is why he moved here.

Barbara Mayer, Sedona, stated regarding your pay, we need to honor the office. You need to reinstate your pay. You all deserve it. The office deserves a reasonable pay.

9. Awards and Proclamations:

Awards

a. Presentation from the Sedona Masonic Lodge for Police and Fire Officers of the Year.

Brook Cunningham, of the Central Arizona Masonic Lodge 14. We've been doing this since 2003; we honor a police officer and firefighter of the year. He travels all over the state and country and makes presentations all the time, but this is the best one he gives. Starting with the firefighter of the year, this gentleman has excelled as a firefighter in our community, Johnny Sedillo.

Brook presented Johnny with the award and Chief Nazih Hazime with the perpetual plaque with Johnny's name.

Brook called Detective Michael Dominguez and interim Chief Jim Driscoll up and presented Michael with the award and the perpetual plaque to the interim chief.

b. Proclamations: None

Motion: Vice Mayor Hamilton moved to approve the awards. Seconded by Councilor McIlroy. Vote: Motion passes unanimously with seven (7) in favor and zero (0) opposed.

10. Consent Items:

The consent portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items approved will be done by one non-debatable motion passed unanimously. Any member of the Council, staff or public may remove any item for debate. Items removed from the consent portion may be acted upon before proceeding to the next agenda item.

a. Approval of Minutes:

- (i.) May 4, 2010
- (ii.) May 6, 2010
- (iii.) May 7, 2010
- (iv.) May 11, 2010
- (v.) May 12, 2010-Budget

(vi.) May 12, 2010-SB1070

b. Liquor License(s):

- (i.) **Approval of an Application for a Special Event Liquor License for the Boys & Girls Club of Northern Arizona as part of the 2010 Sedona Taste Fundraiser scheduled for June 13, 2010. This event will be held at the Los Abrigados Resort and Spa located at 160 Portal Lane.**
- (ii.) **Approval of an application for a location transfer for a series 7 Liquor License for the Wild West Wine Company located at 336 State Route 179 Suite C-102. License # 07036000.**
- c. **Approval of a Final Plat for Vista Montana, Tract 5, a proposed 3-unit single-family residential town home development on Tract 5 of the Vista Montana subdivision located east of the intersection of Posse Ground Road and Vista Montana Road. Assessors Parcel Number: 408-25-271B. Applicant: Vista Montana Homeowners Association. Case Number: SUB2009-4.**
- d. **Request for approval of a Final Plat Amendment to reconfigure the boundaries of Assessors Parcel Number 408-46-052 in the Casa Contenta subdivision. Applicant: Rick Zarcone. Case number: SUB2010-1.**
- e. **Approval of a resolution requesting that the Arizona Department of Transportation establish a dedicated winter maintenance fund in the FY 2011 ADOT operating budget.**

Motion: Vice Mayor Hamilton moved to approve the Consent Agenda items A-E. Seconded by Councilor Rayner. Vote: Motion carries unanimously with seven (7) in favor and zero (0) opposed.

11. Discussion/possible action on selection of a Vice Mayor.

Motion: Councilor Litrell moved to select Vice Mayor Cliff Hamilton as vice mayor. Seconded by Councilor Ward. Vote: Motion passes unanimously with seven (7) in favor and zero (0) opposed.

Councilor Litrell stated Vice Mayor Hamilton has been on Council for two years. During that time he has dedicated an enormous amount of effort. He's asked the hard questions. He's done his homework in a wonderful way. He always comes prepared. She knows when she was in the audience she was impressed with his knowledge and his leadership. She's proud to nominate him.

Vice Mayor Hamilton stated he'd proudly accept it. He'd serve for all of you. Much of the work he does helps Mayor Adams out on things.

Mayor Adams stated Vice Mayor Hamilton has been a huge help to him. He's taken on a lot of assignments. It's been a pleasure to work with him. Even if we don't agree on everything we can be civil and have discussion. He supports the nomination.

12. Discussion/possible action on a resolution endorsing designation of approximately 160,000 acres in the Greater Sedona area as the Sedona-Red Rock National Scenic Area and urging passage of HR 4823.

Mayor Adams stated it'd be appropriate to read the resolution we're proposing.

Vice Mayor Hamilton stated Red Rock News is running an online poll asking if we should reverse the former decision. That poll was running 71% in favor of Council reversing the former council's approach. Polls are always just that, at least some kind of measure; it's at least a current indication on where the majority is at. We have a resolution that says, Vice Mayor Hamilton read the resolution:

“Resolution No. 2010-12, a resolution of the mayor and city council of the city of Sedona, Arizona, endorsing designation of the “Sedona-Red Rock National Scenic Area” (NSA). Whereas, the Sedona area is truly unique and deserves special attention to ensure the permanent protection and preservation of the natural, cultural and historic values of the adjoining Coconino National Forest lands, and whereas, the protection of this scenic beauty is essential to the quality of life of Sedona residents, and whereas, the preservation of environmental elements surrounding Sedona is critical to the economic vitality of the City, and whereas, a National Scenic Area designation will provide a new source of publicity to enhance the City's tourism-based economy, and whereas, Congresswoman Ann Kirkpatrick has introduced federal legislation in Congress in the form of H.R.4823, the **Sedona Red-Rock National Scenic Area Act of 2010**, to create the Sedona-Red Rock National Scenic Area, and whereas, H.R.4823 allows for potential future infrastructure needs of the City, county, school districts and fire districts, and does not impact private lands in the area, and whereas, under the provisions of H.R.4823, the management of the designated lands will continue under present U.S. Forest Service authority, with no additional layers of government, and will remain subject to current management plans and to future management planning processes, and whereas, H.R.4823 permanently eliminates trading of National Forest land in and around Sedona for private lands outside this area, Now, therefore, be it resolved by the mayor and the council of the city of Sedona, Arizona, that: The City of Sedona, through its Mayor and Council, strongly endorses the designation of approximately 160,000 acres of lands in the Coconino National Forest in the greater Sedona area as the **Sedona-Red Rock National Scenic Area**, and urges Congresswoman Ann Kirkpatrick to aggressively pursue passage of this legislation. The City Council further requests that Senators John McCain and Jon Kyle introduce companion legislation in the U.S. Senate and aggressively pursue its passage.”

Mayor Adams stated this resolution will upturn the previous council's motion to oppose NSA.

Mayor Adams opened it to the public at 5:40 p.m.

Ernie Strauch, Sedona, stated it's about time.

Mayor Adams brought it back to Council at 5:40 p.m.

Councilor DiNunzio stated he voted against NSA proposal the first time around out of concern for the language that was being circulated in town. He was concerned it wasn't tight enough. He really commends Representative Kirkpatrick. They wrote a tight piece of legislation that really does protect the land. He thinks it deserves everyone's support.

Councilor Litrell stated on June 10 there will be a hearing before the Natural Resources Subcommittee. That's the next step. You can follow the bill online. Several folks will go to Washington to testify.

Motion: Councilor Ward moved to approve resolution 2010-12 Endorsing the designation of approximately 160,000 acres in the Greater Sedona area as the Sedona Red Rock national Scenic Area and urging our congressional representatives to aggressively support passage of HB 4823. Seconded by Councilor Litrell. Vote: Motion carried unanimously with seven (7) in favor and zero (0) opposed.

13. Discussion/possible direction regarding recent discussions with Arizona Department of Transportation officials regarding the status of the installation of continuous roadway lighting on State Route 89A and the possibility of a route transfer of State Route 89A to the City from the Arizona Department of Transportation.

Mayor Adams stated we're going to address a motion made by the previous council to not enter into negotiations regarding a route transfer.

Tim Ernster stated we're not asking for formal action by Council. The intent was to inform Council about meetings held last week regarding the future of the lights and get direction from Council on four alternatives. Last week Mayor Adams, Councilor Litrell and himself met with ADOT staff. The purpose was to convince ADOT to sit down with the City and discuss other alternatives to roadway lighting. The idea would be ADOT would maintain ownership of the highway. In the morning ADOT wanted the City to commit to a route transfer and in return ADOT would do a number of projects on 89A including the overlay, installation of the Andante signal, signal at Airport Road, drainage at Windsong and some other projects. They agreed to do some other things. Later that day staff had a meeting with ADOT officials and they reached a different conclusion. They'd do all the projects he mentioned, but instead of being responsible for construction other safety alternatives, they'd give the City funds for those improvements and provide the City funds for maintaining 89A for a number of years. They would provide the City with \$100,000 for ten (10) years. They'd give \$3 million for construction safety improvements in lieu of the lights. If the City could demonstrate the costs of the improvements was greater, ADOT might provide additional funding. It was disconcerting to staff that the position ADOT took from the morning and afternoon changed. Tim Ernster asked ADOT to provide a letter from the director that clearly laid out ADOT's position. We received the letter this morning. You should have that letter in front of you. In that letter ADOT's position is in order to put the lights on hold, ADOT is expecting the City to negotiate a route transfer. They want an agreement by mid-August. They're still willing to go ahead with the improvements, but they aren't willing to construct the safety improvements. We've identified four alternatives for Council to consider. The first is to meet with ADOT to discuss other safety alternatives. The second would be to negotiate

for a route transfer according to ADOT's timeline. The third is do nothing which means the lights would be installed. Fourth would be to take legal action. If Council is interested in pursuing a route transfer he'd ask Council to direct staff to put together cost estimates on what it would cost to install other safety improvement on 89A. If the city wants to urge ADOT to discuss other alternatives at ADOT's expense, we could send a letter to the director, but we got that today.

Mayor Adams opened it to the public at 5:52 p.m.

Doug Blackwell, Sedona, stated he was a member of the 89A safety panel. He remembers seeing something ADOT said in the state's best interest. This is not a nighttime problem. It's a daytime problem. It's not even close, the difference between daytime crashes and nighttime crashes in the past few years. This year there have been no nighttime crashes or injuries. It's very consistent. He has 342 pounds of research and data that he'd be glad to provide. He'd be glad to make sure the truth is brought out. It's all about safety.

Ted Jones, Sedona, stated it sounds like Washington DC is trying to shove things down our throats. They're acting like take it or leave it. He doesn't see what's in it to them. It's not black or white the way they play it out.

Ernie Strauch, Sedona, stated it appears ADOT likes to play hardball with Sedona. They don't seem amenable to continuing discussions. He'd recommend that Council direct staff to do the best they can in conversations with other cities who have gone through this negotiation with ADOT and let's find out what is the best that can be done. If you're flying solo with no other comparative situations you don't really know what's possible. He suggests we find all the recent turnbacks and talk to those cities.

Cliff Ochser, Sedona, stated it seems dozens of cities have pursued turnback for legitimate reasons and they've done it in an economical and feasible way. It's the time to start negotiating the best deal we can get. If they'll take care of maintenance for the next 10 years and do improvements, and then we can endow that money, he'd suggest the majority of Sedona citizens want to control their own destiny. It's time we took control.

Bill Eich, Sedona, stated as one who spent a few days talking to ADOT his advice is they want to talk to you. You just have to be strong and repetitious in talking with them. Nothing happens overnight. The first thing you do is ask for an extension. The ball's in your court. You can be firm and you'll get what you want.

Mayor Adams brought it back to Council at 6:00 p.m.

Councilor Ward stated we have an IGA with ADOT, we spend about \$32,000 a year and they spend about \$30,000 also a year? Correct? Virtually all the money ADOT invests in roadways in federal funds.

Tim Ernster stated he doesn't know.

Andy Dickey stated he's not sure what the percentage of funds is compared to state funds, but he doesn't think the majority of funds are federal.

Councilor Ward stated an ADOT representative told him Sedona would be eligible for federal funds, but ADOT would manage the money. They are responsible for approving the design, so what do they mean by turnback. It seems everything is the same.

Councilor Litrell stated we should check to see if they are more federal funds than state funds. The lights on 89A were going to be federally funded so that's why they hate to give up the \$2 million. She's disappointed having attended the morning meeting, where the director saw a reasonable way to put the lights in the box while we do certain things like the signal at Andante and Airport and put staff from both organizations to work on other safety improvements and ADOT would pay for those. At the end of that time, turnback was ADOT's goal. At that meeting, John Harper, really wanted to give the road back to Sedona, but the director understood that's not where Sedona wanted to be. She thinks we should set up a work session with ADOT to go over all of this. If you read the letter from John Harper it says "as this is not a viable solution for the state." What does that mean? ADOT has never given us details. There's never any proof for that solution. We have given ADOT enormous amounts of proof in the other direction. In that morning meeting, the Mayor read the letter from John Harper stating the safety panels' recommendations presented an equivalent to what the lights would do. There's still a lot to do. We need to have another conversation with them because it changed over lunch. She recommends we set up a work session with them.

Mayor Adams stated he's had ongoing discussions with the ADOT Director and Governor Brewer. His stand has been that we'd like to discuss alternatives to continuous highway lighting with ADOT maintaining control. ADOT has been firm that the only way to discuss alternatives is if the City takes over the highway. Brewer asked why drive the stake through the heart of what we love about Sedona? There is an alternative. Entering into negotiations doesn't commit us to anything. The only thing it commits us to is getting educated on what that means. At the end of those negotiations, which will take time, we can say we negotiated a deal we can live with and we'll move forward with a route transfer or we won't. It is an option. The reason you have four new councilors up here is the fact that people don't want continuous roadway lighting. He thinks ADOT would love to get rid of the highway and he can't blame them. Their experience with the city hasn't been a joyous one. We're talking about a redevelopment plan for that highway. Is it a good thing? We don't know. The only way to know is to start the negotiations. He suggests we start the negotiations. We can continue to pressure ADOT to consider alternatives and still maintain control, which is a combination of recommendations one (1) and two (2).

Councilor Rayner stated in the last discussions, the difference between morning and afternoon, did ADOT give a reason for changing their mind?

Tim Ernster stated in the morning meeting, the director was warming up to the idea of idea putting in other safety improvements, but both John Harper and Floyd Roehrich spoke up against it. They felt the process they'd have to go through to come up with a

plan to satisfy the city, they didn't want to be part of that. John Harper came back in the afternoon with their desire to provide the city funding.

Councilor Rayner asked how long would it take staff to do due diligence to give us all the legal information we need on what the liability might cost. It sounds ADOT is pushing for a decision by August or the lights will go up. We need more time.

Tim Ernster stated we could get those cost estimates done by August.

Mike Goimarac stated assessing the legal liability is nebulous. We could get somebody to do an analysis. You look at past history. It's more of an art than a science. If you wanted to get someone to do analysis like that it could be done in 2-3 months.

Councilor Rayner asked how much it costs the other cities in liability?

Tim Ernster stated he knows Vice Mayor Hamilton has similar concerns. We need to talk to other cities to see if there are hidden costs that they weren't aware of when they went through a turnback. We can get that done in two months.

Councilor DiNunzio stated with regard to determining the costs. How would you assess what the necessary safety improvements are?

Tim Ernster stated we don't have time to come up with preliminary design, but he'd like Andy Dickey to explain to Council the process we'd go through. We'd have to assume maximum improvements along the highway knowing it'd be less than the max. Andy Dickey is the Assistant city Engineer.

Andy stated we could find an estimate in-house. We'd look at traffic improvements. If we need to put in medians, would we need to put in roundabouts? We'd look at the corridor holistically. We'd look at the maximum improvements to come up with a realistic estimate.

Tim Ernster stated he's not in favor of hiring a consultant to do this. He'd rather use the city's engineering staff. We could use the data from 179 to come up with a cost estimate for 89A.

Councilor DiNunzio stated he's been in meetings as a junior executive when the old man would start down a path that we hadn't planned then we have to pull him back. That may be what happened here. The letter dated May 24, doesn't differ from their previous position. He's not hopeful that there's wiggle room for negotiation with ADOT staying involved in managing the highway for us. If we're going to do something other than lights we need to be in charge and do it our way.

Mayor Adams stated the timeframe concerns him. What we're undertaking isn't going to be something staff can throw together. Anything we do out there will be controversial, like medians and roundabouts. It will be a lengthy public process.

Andy Dickey stated the timeframe depends on the level of detail we have to go through. If we want a good conservative rough estimate we can get that done by mid-August as long as we don't have to get into a lot of details. When you're getting into several different alternatives that would bog us down.

Mayor Adams stated it's critical to the final negotiation in terms of the dollars.

Tim Ernster stated we wouldn't propose that we come up with a specific design by August. We'd come up with a cost estimate making general assumptions of improvements and getting that number to use in negotiations with ADOT. We're just looking for the ability to make engineering assumptions to give us a number to negotiate with ADOT.

Councilor Ward stated maybe we could defer this to a work session to come to some like mindedness.

Councilor McIlroy stated assuming ADOT will bargain with us in good faith, in the short term, we should explore the parameters of where they are. The August date could probably be moved. We probably want to take 89A back at some point. If ADOT is willing to talk with us, we can find a common ground that's acceptable to both sides. He'd like to see us open negotiations and get our platform together.

Mayor Adams stated we're going to have to have a number of work sessions. The question tonight is do we want to start that process. He'd like to give staff direction to start down that road. Is there council support?

Councilor Litrell is in favor of looking at a turnback. ADOT is pushing for August so they'll get the money in their fiscal year. They don't want to lose the money. We need to go for a later date. She can't picture this happening until the end of the year by the time you get all the information and study it. We have to be careful that we aren't giving an engineer's estimate and then getting locked into it. She's worried about committing to a route transfer. There needs to be something at the end where we say it is or isn't working. She agrees putting pressure on ADOT to consider other safety alternatives.

Councilor Rayner stated say we start getting the dollar values for the mechanical parts of this and the liability parts. He'd like to make sure we go back to the public to make sure we have their buy-in. It's clear they don't want the lights, but would they accept the cost of the liability in this bad economy. He'd like to know how the community really feels about this.

Mayor Adams stated it'd be council's position that we'd move to an alternative but not at any cost. He's suggesting we direct staff to move toward a combo of one (1) and two (2). ADOT wants us to sign an agreement to a route transfer; it doesn't commit us to doing that. It doesn't cost us any money to do. It'll take some staff time. At some point there will be commitment from the city from a financial standpoint. We need to make a commitment to study the route transfer.

Councilor McIlroy stated it seems nighttime safety is driving ADOT to put in the lights. Doug Blackwell stated most of the accidents are in the daytime. Mike Goimarac and he talked about liability, and there's so many variables to liability. Just to say a highway is somehow liable because it's there is too abstract. The highway must be poorly maintained. The whole liability thing is a false premise. It shouldn't be the driving point.

Mayor Adams stated that's what ADOT stands behind. The question now is will we direct staff to move forward with the route transfer study.

Council agreed. Councilor Litrell stated as long as it says "route transfer study."

Vice Mayor Hamilton stated in the number one (1) choice are there things you want to describe on what putting pressure on ADOT would consist of?

Tim Ernster stated he's not sure other than capturing the Director and holding him hostage he's not sure what they'd be. ADOT has been consistent in their stance. Other than going back to the Director, he doesn't know what else we could do.

Vice Mayor Hamilton stated he doesn't view this letter from ADOT with being consistent with the Governor's sensitivities about Sedona. Could we go back to her office and say this isn't what we had in mind?

Tim Ernster stated approaching the Governor again would be another possibility. Maybe you do that before you go the media route.

Vice Mayor Hamilton stated we've all endorsed the signals at Andante and Airport Road but now we are talking about medians and roundabouts. He'd like to ask for clarifications from the Governor's office and from ADOT about what they're really saying in this letter as well as pursuing beginning to look at a road turnback, being clear that we're talking about a discussion not a decision.

Mayor Adams stated we won't make a decision until the end. The direction to staff is to move down that road including getting info from other cities on their turnback and getting costs?

Councilor Ward stated he's comfortable, but we need to get a concrete position that we all agree on. The earlier we do that, the smarter we'd be.

Mayor Adams stated we'll schedule a council work session to discuss this.

Councilor DiNunzio stated you said something about satisfying their safety concerns.

Mayor Adams stated it'd be our safety concern.

No legal action was taken.

Mayor Adams took a recess at 6:37 p.m. He reconvened at 6:53 p.m.

Mayor Adams moved to discuss agenda item #15 before #14. Council agreed.

15. Discussion/possible action on Council assignments.

Mayor Adams stated he wrote up a recommendation after speaking with Council on their interests. Maybe we could run through them one by one. Mayor Adams ran through them. Mayor Adams stated a councilor is welcome to attend the Agenda Setting meetings.

Councilor McIlroy stated who becomes the Council liaison?

Mayor Adams stated we have liaisons set out. Mayor Adams stated if you want to shift these around, let him know.

Mayor Adams stated the League of Cities and Towns is an appointment. He's on that. Typically he and all the other mayors go to that. He continued to run down the list.

Vice Mayor Hamilton suggested taking NAMWUA off the list. Mayor Adams told staff to cross it off.

Councilor DiNunzio asked what the Sedona Events Alliance does. It's under the Chamber of Commerce right?

Mayor Adams stated it's a good group.

Mayor Adams asked Councilor DiNunzio if he wants to be on the Chamber Marketing Committee.

Councilor DiNunzio stated he'd love the involvement, but if it's something the mayor has the time for he'd be happy to be an alternative.

Mayor Adams stated he's trying to keep his hand in some organizations.

Councilor DiNunzio stated it's the mayor's.

Mayor Adams stated let's put Councilor DiNunzio on there as well.

Councilor DiNunzio stated he'd join the Greater Sedona Area Substance Abuse Coalition.

Mayor Adams stated there's a meeting at 8:00 a.m. tomorrow morning at the library.

Mayor Adams stated we are going to have a budget commission. Would anybody like to be the liaison?

Councilor Ward and Councilor Litrell stated they'd do it.

Mayor Adams stated so it will be Councilor Ward and Councilor Litrell as the alternate.

Councilor Rayner stated he'd be interested in the sustainable commission. Vice Mayor Hamilton stated he would be as well.

Vice Mayor Hamilton asked if he could trade Verde Valley Land Preservation Institute with someone else. It has to do with looking at how to preserve open space in the Verde Valley. They struggle to find funding sources.

Vice Mayor Hamilton stated the Verde River Basin Partnership is another one he's been reporting on. That one is much bigger. That one has the same problem meeting when he has three other meetings.

Councilor Litrell stated she doesn't know when the other ones meet, but the way Brent is on water, there might be people in the community interested in land preservation. She could see if Bill Eich would be interested and she'll let staff know.

Brent Bitz stated he already attends the Verde River Basin Partnership, he'd be happy to act as an appointed alternative and likely pick up all the meetings.

Vice Mayor Hamilton stated he'd leave his name on there then and let him and Brent work it out. It is quarterly but it pops up when there's trouble.

Brent stated typically the cities are represented by an elected person but it's not always the case. It'd be useful to have the name there and use him as the alternate to report back to him.

Councilor Ward stated he'd volunteered to voluntarily be a liaison with the Forest Service.

Mayor Adams stated just do it.

No legal action was taken.

14. Discussion/possible action on a resolution opposing installation of continuous roadway lighting on SR 89A and insisting that ADOT enter into discussions with the City to explore the full range of roadway options and jointly develop a comprehensive plan consistent with Sedona community values.

Tim Ernster stated this one is self-explanatory. There is a typo (typographical) in the resolution that we will correct. It's referred to as Highway 98A instead of 89A.

Mayor Adams opened it to the public at 7:15 p.m.

Doug Blackwell, Sedona, stated the numbers he mentioned earlier aren't accurate, but the numbers are so tilted toward daytime, he can't imagine how ADOT thinks it lowers their liability by putting up lights that help at night when 97% of crashes are during the day.

It'd be in ADOT's best interest that we do what actually improves safety. At the last meeting we had here when ADOT said there were four (4) injuries since the latest death, he researched it and found the first injury was a car, the second was at twilight, the third was at twilight and the fourth was at 1:00 p.m. ADOT didn't seem to care about the 17 that happened during the daytime. That makes him wonder about ADOT and their concern for liability and safety. He hopes you overturn the ruling that asks for lights because we have a daytime problem.

Mayor Adams brought it back to Council at 7:17 p.m.

Mayor Adams asked Councilor Litrell to read the resolution: She read resolution 2010-13: ***“Resolution No. 2010-13, a Resolution of the Mayor and City Council of the City of Sedona, Arizona, opposing continuous roadway lighting along SR 89A and supporting roadway improvements that provide the highest level of day and nighttime roadway safety. Whereas, pursuant to ARS 28-332.B.2, the Arizona Department of Transportation (ADOT) is required to...”****cooperate and coordinate transportation planning with local governments...” and whereas, ADOT has been following direction made by the Sedona City Council on August 13, 2008, regarding continuous roadway lighting as a partial solution to pedestrian safety concerns on SR 89A, and whereas, the recommendations of the 89A Safety Panel provided in April 2008, and those of the 2009 ADOT Pedestrian Safety Action Plan, both cite numerous safety measures having a “Crash Reduction Factor” equal to or greater than continuous roadway lighting and which do not negatively impact the Sedona visual and nighttime environment, and whereas, over 95% of the accidents and injuries on SR 89A take place in the daylight hours, and whereas, the three pedestrian deaths that occurred in the study area between 2000 and 2006 were site specific to the Andante Drive vicinity, and whereas, five different public polls and surveys, including ADOT’s own NEPA public input process on November 5, 2009, document that over 80% of respondents oppose continuous roadway lighting on SR 89A, and whereas, there has been more than three (3) years of extensive community opposition to ADOT’s continuous roadway lighting proposal on SR 89A, now, therefore, be it resolved by the mayor and the council of the city of Sedona, Arizona, that: The City of Sedona, through its Mayor and Council, strongly opposes the installation of continuous roadway lighting on West SR 89A in Sedona, and is firmly committed to utilize legal, financial and political means to prevent such installation. The Council further requests that ADOT enter into good faith discussions with the Council and appropriate City officials, using accurate and current data, to explore the full range of roadway safety options that would best achieve pedestrian, cyclist and vehicular safety day and night on SR 89A and jointly develop a comprehensive plan consistent with Sedona’s community values.”*

Council suggested changes to the wording of the resolution to include that it supports safety improvements on the roadway.

Andi read the revised resolution.

Mayor Adams asked if anyone wants to go into Executive Session to hear liability concerns about SR89A.

Councilor DiNunzio stated he'd like to go into Executive Session.

Motion: Councilor DiNunzio moved to go into executive session to discuss the resolution. Mayor Adams seconded. Vote: Motion fails 2-5 (Councilor DiNunzio and Mayor Adams were in favor.)

Motion: Councilor McIlroy moved to approve resolution No. 2010-13, which expresses the Sedona City Council's strong opposition to installation of continuous roadway lighting on SR 89A and requests that ADOT enter into good faith discussions with the City to explore the full range of roadway safety options and jointly develop a comprehensive plan consistent with Sedona community values. Staff is further directed to immediately forward this resolution to the Governor, Director of ADOT, the State Transportation Board, Sedona's state representative and senator and Sedona's Congressional Representative and U.S. Senators. Seconded by Councilor Litrell. Vote: Motion carries six (6) in favor to one (1) opposed. (Councilor DiNunzio opposed).

Mayor Adams asked can we add roadway "safety" options. It just says full range of options.

Councilor McIlroy agreed.

16. Discussion/possible action on future meeting/agenda items.

Next Council meeting will be June 8 at 4:30 p.m. There is a budget review scheduled for June 10.

Vice Mayor Hamilton stated we talked about moving the retreat to the end of June.

Mayor Adams asked if staff would be prepared for an earlier retreat day.

Tim Ernster stated we're looking at finding a date in late June. Michele Stover trying to see if we can move it to June 23. We haven't firmed up the date yet.

Mayor Adams stated so we'll see when staff can get prepared.

No legal action was taken.

17. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. §38-431.03(A)(3).**
- b. Discussion or consultation with legal counsel in order to consider its position and instruct its legal counsel regarding the City's position in the following pending or contemplated litigation or contracts that are the subject of negotiation, or settlement discussions in order to avoid or resolve litigation per A.R.S. §38-431.03(A)(4), specifically:**

**1) Sedona Grand L.L.C., v. City of Sedona, Yavapai County
Superior Court Case No. 820080129.**

Following any discussions in executive session of the above matters, the City reserves the right to discuss and/or act on any of the above listed legal matters in open session.

No executive session was held.

18. Return to open session. Discussion/possible action on executive session items.

No executive session was held.

19. Adjournment: Mayor Adams adjourned the meeting at 7:58 p.m. without objection.

Respectfully submitted,

Alison Carney, Deputy City Clerk

Date